

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

KRISTINA LEE STRUBLE BRUSH,  
and VERNON BRUSH,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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CIVIL ACTION NO. H-10-5016

**ORDER CONTROLLING TIME ALLOCATIONS TO PARTIES**

Each side will have 8 hours to try this case. This provides each side with 8 hours to present its case to the jury, to cross-examine the witnesses presented by the other side, present rebuttal witnesses, and cross-examine the other side's rebuttal witnesses. This time allocation does not include jury selection, opening statements, or final arguments. If the plaintiffs call an adverse witness, the examination of that witness will be included in the plaintiffs' allocated trial time. Cross-examination by opposing counsel will be included in the defendant's allocated trial time.


Counsel are free to determine how to use the time each side has been allocated. However, no party will be allowed to present a video or oral deposition offering of any kind or description, lasting more than 20 minutes per side, per deposition. The parties may advise the court in advance if there is a compelling need to have a single deposition excluded from this rule.

The court views bench conferences with great disfavor because of the interference with the continuity of testimony. Bench conferences are not permitted to resolve evidentiary objections. Counsel must state the legal basis for their objections in one or two words, and respond similarly, without elaboration or argument unless invited. The court will rule on the objection without additional discussion, if possible. If a ruling cannot be made on that basis, counsel will avoid that topic or area and will examine the witness on other subjects until the next regularly-scheduled break or recess, when the objection can be resolved.

At the close of each trial date, counsel will inform each other of the identity of witnesses to be called the next day. Any issues that are expected to arise during the examination of those

witnesses are to be raised with the court outside the jury's presence in advance of the witnesses' testimony. Counsel are expected to bring such issues to the court's attention either when they learn of the witnesses to be called the next day, or before the jury is due to begin work the following day.

SIGNED on June 4, 2013, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge